IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2402 OF 2005

Sandeepkumar Gangaprasad Tiwari ...Petitioner
vs.
The State of Maharashtra & Ors. ...Respondents

Mr.Kankaria i/b Mr.R.S.Ghadge for the petitioner
Mr.Kumbhakoni,Associate Advocate General with Mr.M.D.Naik, A.G.P. for Respondent Nos.1 and 2.

CORAM: SMT.RANJANA DESAI & A.S.OKA,JJ.
DATE : DECEMBER 2,2005

P.C.:

1. The petitioner has prayed for direction to respondent No.2-Director, Directorate of Medical Education and Research, St. George's Hospital to admit him for medical course in the First Year M.B.B.S.

2. We have heard Shri Kankaria, learned counsel for the petitioner. Mr.Kankaria stated that there is no dispute about the fact that the petitioner is physically handicapped with 50% permanent disability pertaining to Locomotary of the lower limbs. He drew our attention to the two certificates one is dated 15th August 2000 issued by All India Institute of Physical Medicine and Rehabilitation, Bombay and another is dated 2nd July 2005 issued by Dr.Anilkumar Gaur, Assistant Director, Mumbai which support his submissions. He contended that the petitioner is therefore eligible for admission for the medical course as he is covered by the rules and regulations for physically handicapped persons extract of

which is annexed as exh.‘C’ to the petition.

3. We are unable to accept the submissions of the learned counsel for the petitioner. In response to the petition affidavit in reply is filed by Mr.S.M.Walkikar, Administrative Officer, Directorate of Medical Education & Research, Mumbai. We find from the affidavit that there is no dispute about the fact that the petitioner suffers from 50% disability of the lower limbs. However, it is stated in the affidavit that Special Medical Board has examined the petitioner on two occasions and it was detected that apart from the 50% disability of the lower limbs, the petitioner additionally has the disability of the left upper limb due to monoparasis and due to that he was declared not eligible. It is further stated that as per the Medical Council of India guide-lines, physically handicapped persons having locomotory disability of the lower limbs ranging from 50% to 70% alone will be eligible for admission through the category of physically handicapped.

4. In view of this and considering the fact that on two occasions the petitioner was examined by the Special Medical Board, we see no reason to entertain this petition. Petition is dismissed.

(SMT.RANJANA DESAI,J.)

(ABHAY S.OKA,J.)